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Agency Name Public Service Commission	1. Chapter Number 103	2. Date of Filing April 11, 2008
3. Regulation Number 26 S.C. Code Ann. Regs. 103-133(7) 26 S.C. Code Ann. Regs. 103-514 26 S.C. Code Ann. Regs. 103-714 26 S.C. Code Ann. Regs. 103-831 26 S.C. Code Ann. Regs. 103-859 26 S.C. Code Ann. Regs. 103-830.1	4. Subject of Regulation Stretcher Vans, Interruption of Service, Computation of Time, Emergency Procedures, and Service between Parties of Record	

## 5. Statutory Authority

S.C. Code Ann. Section 58-3-140 (Supp. 2007)

## 6. Type of Filing

\_\_\_\_ NOTICE OF GENERAL PUBLIC INTEREST

\_\_\_\_ NOTICE OF DRAFTING

\_\_\_X\_\_\_ PROPOSED REGULATION

\_\_\_\_ EMERGENCY REGULATION

\_\_\_\_ FINAL REGULATION FOR GENERAL ASSEMBLY REVIEW

\_\_\_\_ RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW

\_\_\_\_ FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW

5. For Additional Information, Contact		6. Telephone Number 896-5100
7. Typed Name of Official Jocelyn G. Boyd	8. Signature of Official <i>Jocelyn G. Boyd</i>	9. Date April 11, 2008

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**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**  
**CHAPTER 103**  
Statutory Authority: S.C. Code Section 58-3-140 (Supp. 2007)

26 S.C. Code Ann. Regs. 103-133(7). PC&N (Stretcher Vans).  
26 S.C. Code Ann. Regs. 103-514. Interruption of Service/Violation of Rules.  
26 S.C. Code Ann. Regs. 103-714. Interruption of Service.  
26 S.C. Code Ann. Regs. 103-831. Computation of Time.  
26 S.C. Code Ann. Regs. 103-859. Emergency Procedures.  
26 S.C. Code Ann. Regs. 103-830.1. Service between Parties of Record.

**Preamble:**

The Public Service Commission of South Carolina (Commission) proposes to create new regulations governing stretcher vans and electronic service of documents between parties of record. Further, the Commission seeks to amend its water and wastewater regulations governing interruptions of service to include references to Commission regulations and Department of Health and Environmental Control (DHEC) regulations that result in the issuance of a DHEC order, to make stylistic changes and to include water and wastewater utilities' advisories. Additionally, the Commission seeks to amend its regulations governing computation of time to exclude Petitions for Rehearing and Reconsideration and to add references to the Commission Staff in its Emergency Procedures regulation.

**Section-by-Section Discussion**

26 S.C. Code Ann. Regs. 103-133(7). PC&N (Stretcher Vans). This is a new regulation defining stretcher vans and governing driver and assistant driver qualifications/requirements, vehicle requirements, and limitations and conditions of service.

26 S.C. Code Ann. Regs. 103-514. Interruption of Service/Violation of Rules. This regulation is amended to cover wastewater utilities' violations of Commission and DHEC regulations; to make stylistic changes; and to require advisories to be filed with the Office of Regulatory Staff (ORS).

26 S.C. Code Ann. Regs. 103-714. Interruption of Service. This regulation is amended to cover water utilities' violations of Commission and DHEC regulations; to make stylistic changes; and to require advisories to be filed with the Office of Regulatory Staff (ORS).

26 S.C. Code Ann. Regs. 103-831. Computation of Time. This regulation is amended to state that it does not apply to Petitions for Rehearing or Reconsideration.

26 S.C. Code Ann. Regs. 103-859. Emergency Procedures. This regulation is amended to add the Commission Staff.

26 S.C. Code Ann. Regs. 103-830.1. Service between Parties of Record. This is a new regulation providing for electronic service of documents between parties of record in a docket.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit written comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2007-445-A. To be considered, comments must be received no later than 4:45 p.m. on May 30, 2008. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulations at a public hearing to be conducted by the Public Service Commission on Wednesday, **June 25, 2008, at 10:30 a.m.** in the Commission's Hearing Room, 101 Executive Center Drive, Columbia, South Carolina 29210.

**Preliminary Fiscal Impact Statement:**

There will be no increased costs to the State or its political subdivisions.

**Statement of Need and Reasonableness:**

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

**DESCRIPTION OF REGULATIONS:**

26 S.C. Code Ann. Regs. 103-133(7). PC&N (Stretcher Vans).  
26 S.C. Code Ann. Regs. 103-514. Interruption of Service/Violation of Rules.  
26 S.C. Code Ann. Regs. 103-714. Interruption of Service.  
26 S.C. Code Ann. Regs. 103-831. Computation of Time.  
26 S.C. Code Ann. Regs. 103-859. Emergency Procedures.  
26 S.C. Code Ann. Regs. 103-830.1. Service between Parties of Record.

**Purpose:** The purpose of the proposed regulation governing stretcher vans is to govern non-emergency transportation provided to a person who cannot be transported in a taxi or wheelchair van due to convalescence or being non-ambulatory. The additional provisions of this regulation state driver qualifications/requirements, vehicle requirements and the limitations and conditions of service by stretcher vans. Next, the amendments of the regulations governing interruption of service by water and wastewater utilities will provide the Commission and the ORS with notice of violations of DHEC regulations which result in the issuance of a DHEC order. Further, the ORS will be provided notice of water and wastewater advisories affecting ten or more customers within twenty-four hours of issuance of the advisories. Next, the South Carolina Code governs the time period for filing Petitions for Reconsideration or Rehearing; the amended regulation clarifies that the Commission's regulation governing computation of time does not apply to Petitions for Rehearing or Reconsideration. Regarding the regulation governing emergency procedures, this regulation is being amended to include the Commission Staff and the ORS to allow either the Commission Staff or the ORS to request that a Commissioner issue an Order on behalf of the Commission restraining or enjoining a utility from disconnecting service or requiring the utility to maintain the status quo with its customer(s) until further Order of the Commission. Finally, the new regulation governing electronic service of documents between parties of record is created to provide parties of record another mode of service between each other.

**Legal Authority:** S.C. Code Ann. Section 58-3-140 (Supp. 2007)

**Plan for Implementation:** The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The addition of a regulation governing stretcher vans is necessary because the regulation defines a stretcher van and the scope of its operation. Further, the regulation will provide guidance to operators/owners of stretcher vans regarding driver and assistant driver qualifications, vehicle requirements, and limitations and conditions of service of stretcher vans. The benefits of a regulation governing the operation of stretcher vans include oversight of public welfare and safety. As a regulator of at least the rates and services of water and wastewater utilities in South Carolina, a benefit exists by the Commission being made aware of violations of DHEC regulations which result in the issuance of a DHEC order. Further, the ORS is to be notified of

water and wastewater utilities' advisories affecting ten or more customers. The Commission's regulation governing computation of time is needed to clarify that it does not apply to Petitions for Rehearing or Reconsideration; these Petitions are governed by South Carolina statutes. The amendment to the emergency procedures regulation is needed to allow the Commission Staff and the ORS to request that a commissioner issue an order instructing a utility not to disconnect a customer's service; this regulation should be amended to cover both agencies, as one benefit will include the expeditious processing of notice of disconnection or probable disconnection of a utility service. Finally, the parties in a docket can utilize another means of serving each other with Commission-related filings; the amendment to this regulation will be beneficial by adding another mode of service.

**DETERMINATION OF COSTS AND BENEFITS:**

Although costs related to creating Regulations 103-133(7), 103-514, 103-714, 103-831, 103-859, and 103-830.1 are minimal, the benefits include the promulgation of regulations that govern current unregulated services; provide the Commission and the ORS with additional information regarding jurisdictional utilities; provide clarification so that the regulations do not conflict with South Carolina statutes; allow the Commission Staff and the ORS to request that the Commission issue an Order prohibiting a utility from disconnecting service to a customer; and allow for electronic service between parties of record.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

None.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

The regulations will have no detrimental effect on the environment or public health if the regulation is not implemented.

**STATEMENT OF RATIONALE:**

The purpose of 26 S.C. Code Ann. Regs. 103-133(7), 103-514, 103-714, 103-831, 103-859, and 103-830.1 is to create a regulation that governs stretcher vans; to provide, *inter alia*, that the Commission and the ORS are to be notified of violations of DHEC regulations that result in the issuance of a DHEC order; to exclude Petitions for Rehearing and Reconsideration from the regulation governing computation of time, as these Petitions are governed by statutes; to allow the ORS and the Commission Staff to request the Commission to issue an order prohibiting the disconnection of service; and to allow for electronic service of pleadings between parties. There was no scientific or technical basis relied upon in the development of this regulation.

**Text:**

103-133(7) PC&N (Stretcher Vans).

Stretcher van service is a mode of non-emergency transportation which may be provided to an individual who cannot be transported in a taxi or wheelchair van due to convalescence or being non-ambulatory. Stretcher vans are not required or authorized to provide medical monitoring, medical aid, medical care or medical treatment of passengers during their transport. Self-administered oxygen is permitted. In addition to meeting the requirements set out in 103-133(4)

and 103-133(6) above, applicants for a Certificate of Public Convenience and Necessity for stretcher van vehicles must meet the following requirements:

A. Driver and Assistant Driver Qualifications/Requirements

1. While providing transportation for hire, all stretcher vans shall be staffed by both a primary and an assistant driver. In addition to the general requirements provided for in 103-133(6) (A), stretcher van drivers and driver assistants shall be trained in transferring, loading and unloading passengers in stretchers.

2. A stretcher van passenger shall not be left unattended at any time.

3. The driver and driver assistant shall confirm that all restraining straps are fastened properly and the stretcher, stretcher fasteners and anchorages are properly secured prior to the vehicle transporting a passenger.

4. The driver assistant shall be seated in the passenger compartment while the vehicle is in motion and shall notify the driver of any sudden change in the passenger's condition.

B. Vehicle Requirements

1. The stretcher van must be equipped with a stretcher used to transport individuals in the supine or Fowler's position.

2. Passengers shall be loaded headfirst.

3. The approved stretcher shall be elevating and wheeled. A minimum of three (3) patient restraining straps (chest, waist, and thigh) at least two (2) inches wide shall be provided. The stretcher van shall have proper means to secure the stretcher in its position under all conditions. Crash-stable stretcher fasteners must be provided.

4. A stretcher van vehicle must be maintained in good repair and safe operating condition and shall meet the same motor vehicle safety requirements as apply to all vehicles in South Carolina. Exterior surfaces of the vehicle including windows, mirrors, warning devices and lights must be undamaged and kept clean of dirt and debris.

5. Safety belts must be provided for all passengers.

6. Self-administered oxygen must be secured in accordance with AMD (Ambulance Manufacturers Division of the National Truck Equipment Association) Standard 003, "Oxygen Tank Retention System Test."

7. The interior of the stretcher van vehicle shall include secured storage compartments.

8. All storage compartments, supplies and equipment shall be kept clean and sanitary.

9. A stretcher van shall not contain medical equipment or supplies or display any marking, symbols or warning devices that imply that it offers medical care or ambulance transportation.

10. A stretcher van shall not respond or transport a person if the request for service originated within a public dispatch system.

C. Limitations and Conditions of Service

1. Stretcher van vehicles shall not be used:

a. To transport a passenger who requires medical monitoring.

b. To transport more than one (1) stretcher passenger at a time.

c. To transport a person who is being administered intravenous fluids.

d. To transport a person who needs or may need oxygen unless that person's physician has prescribed oxygen as a self-administered therapy.

- e. To transport a passenger who needs or may need suctioning.
- f. To transport a passenger who has sustained an injury and has not yet been evaluated by a physician.
- g. To transport a passenger who is experiencing an acute condition or the exacerbation of a chronic condition or a sudden injury or illness.
- h. To transport a passenger who needs to be transported from one hospital to another hospital if the destination hospital is the same level or a higher level as the hospital of origin.
- i. To transport a passenger who is being evaluated in an emergency room and for any reason must be transported to another hospital for diagnostic tests that are not available at the first hospital.

2. When the medical condition of a passenger suddenly changes and requires care to be rendered, the operator of the stretcher van will immediately contact the local 911 dispatcher to request help, then notify their own base of operations to advise them of the situation. Appropriate basic first aid shall be initiated and continued until the EMS service has intercepted the transport or arrival at the hospital.

#### 103-514. Interruption of Service/Violation of Rules.

C. All Wastewater Utilities under the jurisdiction of the commission shall file with the commission and the ORS in writing a notice of any violation of a PSC regulation or a DHEC regulation which results in the issuance of a DHEC order. This notice shall be filed within twenty-four hours of the time of the inception of the violation or of the utility's receipt of the issuance of a DHEC order and shall detail the steps taken to correct the violation, if the violation is not corrected at the time of occurrence. The Company shall notify the commission and the ORS in writing within fourteen calendar days after the violation has been corrected.

D. All Wastewater Utilities under the jurisdiction of the commission shall provide the ORS Consumer Services Division a copy of all advisories affecting ten or more customers within twenty-four hours of issuance. The utility shall notify the ORS Consumer Services Division in writing when the advisory has been lifted.

#### 103-714. Interruption of Service.

C. All Water Utilities under the jurisdiction of the commission shall file with the Commission and the ORS in writing a notice of any violation of a PSC regulation or a DHEC regulation which results in the issuance of a DHEC order. This notice shall be filed within twenty-four hours of the time of the inception of the violation or of the utility's receipt of the issuance of a DHEC order and shall detail the steps to be taken to correct the violation, if the violation is not corrected at the time of occurrence. The Company shall notify the commission and the ORS in writing within fourteen calendar days after the violation has been corrected.

D. All Water Utilities under the jurisdiction of the commission shall provide the ORS Consumer Services Division a copy of all advisories affecting ten or more customers within twenty-four hours of issuance. The utility shall notify the ORS Consumer Services Division in writing when the advisory has been lifted.

#### 103-831. Computation of Time.

The computation of time shall be governed by Rule 6 of the South Carolina Rules of Civil Procedure. Extensions of time may be granted by the Commission for good cause shown. The provisions of Regulation 103-831 do not apply to Petitions for Rehearing or Reconsideration.

#### 103-859. Emergency Procedures.

A. When it appears to the Commission Staff or to the Office of Regulatory Staff that a utility is planning to disconnect its service to a customer(s) in violation of the Commission's Rules and Regulations and under circumstances which prevent the full Commission from meeting to address the issue, upon the request of the Office of Regulatory Staff or the Commission Staff, any one Commissioner may issue an Order on behalf of the Commission restraining or enjoining a utility from disconnecting service or requiring the utility to maintain the status quo with its customer(s) until further Order of the Commission. Thereafter, at the next scheduled Commission meeting with proper legal notice, the full Commission shall consider the Order of the single Commissioner and take such action of the single Commissioner's Order as it deems appropriate.

B. When it appears to the Commission Staff or to the Office of Regulatory Staff that a utility has disconnected a customer's (s') service in violation of the Commission's Rules and Regulations and under circumstances which prevent the full Commission from meeting to address the issue, upon the request of the Office of Regulatory Staff or the Commission Staff, any one Commissioner may issue an Order on behalf of the Commission requiring the utility to reconnect the service and maintain that status quo until further Order of the Commission. Thereafter, at the next scheduled Commission meeting with proper legal notice, the full Commission shall consider the Order of the single Commissioner and take such action on the single Commissioner's Order as it deems appropriate.

#### 103-830.1. Service between Parties of Record.

Upon written agreement by all the parties in a docket, service of filings made in a docket at the commission may be made through e-mail or electronic service. The written agreement memorializing the parties' consents shall be filed with the commission in the appropriate docket.